

Notice of Allowability**Application No.**

10/681,081

Applicant(s)

UEYAMA, TERUHIKO

Examiner

Justin P. Misleh

Art Unit

2622

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed April 15, 2010.
2. ☒ The allowed claim(s) is/are 1 - 3, 6, 7, 9 and 12 - 14 (now respectively renumbered 1 - 4, 8, 9, and 5 - 7).
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Justin P Misleh/
Primary Examiner, Art Unit 2622

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on April 15, 2010 has been entered.

EXAMINER'S AMENDMENT

2. An Examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to Applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.
3. Authorization for this Examiner's amendment was given in a telephone interview with John J. Torrente on 15 July 2010. The application has been amended as follows:

CLAIMS

- Please **cancel** Claims 4, 5, 8, 10, and 11.
- Please **replace** Claim 1 with the following:
"1. An image sensing apparatus comprising:

an image sensing preparation member actuable by a user;

an image sensing operation member actuable by the user;

a first exposure level calculation device which, upon actuation of the image sensing preparation member, calculates a first exposure level based on a result of photometry, the first exposure level calculation device carrying out further processing if the image sensing operation member is actuated prior to completion of the calculation of the first exposure level, the further processing carried out by the first exposure level calculation device including determining whether the image sensing apparatus is in a predetermined mode or a manual exposure has been set, and, if so, the first exposure level calculation device continuing calculation of the first exposure level until completion of calculation of the first exposure level and, if not, the first exposure level calculation device discontinuing calculation of the first exposure level;

a second exposure level calculation device which calculates a second exposure level of an image signal output after image sensing;

an exposure error calculation device which calculates an exposure error between the first exposure level calculated by said first exposure level calculation device and the second exposure level calculated by said second exposure level calculation device; and

an exposure error correction device which performs a correction operation of the exposure error by using the exposure error calculated by said exposure error calculation device, when said image sensing apparatus is in an auto exposure control mode,

wherein said exposure error correction device does not perform the correction operation if the first exposure level calculation device carried out further processing and determined that the image sensing apparatus is in the predetermined mode or manual exposure has been set.”

- Please replace **Claim 2** with the following:

“2. The apparatus according to claim 1, wherein when said image sensing apparatus is in at least one of a state in which an exposure correction value is set, a state in which an exposure condition obtained by photometry is held, a state in which a photometry method is set to spot photometry, and a state in which a long shutter mode is set, said exposure error correction device does not correct the exposure error.”

- Please replace **Claim 3** with the following:

“3. The apparatus according to claim 1, wherein said exposure error correction device corrects the exposure error when said image sensing apparatus is set to a state in which a flash is so set so as to emit light, and

when the flash is set to emit light, said exposure error correction device changes a correction width of the exposure error in consideration of elements which cause under exposure.”

- Please replace **Claim 6** with the following:

“6. The apparatus according to claim 1, wherein, when said image sensing apparatus is in an operation state in which an exposure state is held upon actuating the image sensing preparation instruction member, and when a state in which the image sensing operation member is not actuated for not less than a given threshold time after the image sensing preparation instruction member is actuated, said exposure error correction device does not correct the exposure error.”

- Please replace Claim 7 with the following:

“7. An image sensing method comprising:

actuating by a user of an image sensing preparation member;

a processing step of calculating, upon actuation of the image sensing preparation member, a first exposure level based on a result of photometry;

actuating by the user of an image sensing operation member;

a processing step of carrying out further processing, if the image sensing operation member is actuated prior to completion of the processing step of calculating the first exposure level, the further processing including determining whether an image sensing apparatus is in a predetermined mode or a manual exposure has been set, and, if so, the processing step of calculating the first exposure level continuing the calculation until completion of the calculation of the first exposure level and, if not, the processing step of calculating the first exposure level is discontinued;

a processing step of calculating a second exposure level of an image signal output after image sensing;

a processing step of calculating an exposure error between the first exposure level calculated by said first exposure level calculation step and the second exposure level calculated by said second exposure level calculation step; and

a processing step of performing a correction operation of the exposure error by using the exposure error when the image sensing apparatus is in an auto exposure control mode,

wherein the correction operation is not performed if the further processing is carried out and the further processing determines that the image sensing apparatus is in the predetermined mode or manual exposure has been set.”

- Please ***replace*** **Claim 14** with the following:

“14. The apparatus according to claim 1, wherein said exposure error correction device also does not perform the correction operation when the image sensing operation member is actuated after a predetermined time ~~is~~ has elapsed after actuation of the image sensing preparation member.”

Allowable Subject Matter

4. **Claims 1 – 3, 6, 7, 9 and 12 – 14 (now respectively renumbered 1 – 4, 8, 9, and 5 – 7)** are allowed.

5. The following is an Examiner’s statement of reasons for allowance:

The closest prior art provides various apparatuses and methods for determining when to correct the exposure level in a captured image or how to correct said exposure levels; however, the closest prior art does not teach or fairly suggest an image sensing apparatus or corresponding method that performs a routine for auto-exposure and a means for correcting a difference between measured and captured exposure levels, wherein the amount of correction, if any, is directly affected by the operations of an exposure level calculation device which operates after the actuation of an image sensing preparation member and may operate after the actuation of an image sensing operation member.

6. The Examiner respectfully notes the above-statement is merely a summary of the novelty of the present invention. The above-statement should not be construed as language that is allowable if submitted in new claim or amended into an existing claim. Rather, it is the specific language of the claims filed on April 15, 2010 and submitted in this Examiner's Amendment that the Examiner considers in condition for allowance.
7. Any comments considered necessary by Applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Justin P. Misleh whose telephone number is (571) 272-7313. The Examiner can normally be reached Monday - Friday between 8:30 AM - 3:30 PM.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/Justin P. Misleh/
Primary Examiner, Group Art Unit 2622
July 21, 2010**